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10/649,824	08/28/2003	Yukita Gotohda	2091-0288P	9008

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EXAMINER	
KHOKHAR, ASIF I	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/649,824	GOTOHDA ET AL.	
	Examiner	Art Unit	
	Asif Khokhar	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) *21-33 and 43-56* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,34-42 and 57-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, which is directed to claims 1-20,34-42,57-63 in the reply filed on 09/27/2007, is acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).
>
> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the

computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim(s) 7,18, 40,62 are rejected under 35 U. S. C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 7, 18, 40, 62 define "A program for causing a computer to execute a method..." embodying functional descriptive material. However, the claim does not define a computer readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" - Guidelines Annex

"A program stored in a computer readable medium for causing a computer to execute a method..." is suggested.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim(s) 1-10, 13-14,17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa US6909457.

With reference to claim 1, Fukasawa '457 discloses a method for controlling an imaging device (Camera control system, column 2, line 13), in which a plurality of imaging devices are associated via a network to be operated (computer network 301 to which the camera control modules 410a, 410b and 410c are connected, column 4, line 13, Fig. 2) wherein photography notification data is transmitted to a desired imaging device among the plurality of imaging devices to cause the desired imaging device to perform photography notification when causing the plurality of imaging devices to perform a photography operation(a plurality of camera clients which have requested a camera operation with an operation right, column 5, line 31. Furthermore, by selecting a desired image window using a mouse or the like, the user of the camera client selects a target scene, i.e., a target camera, column 4, line 37. Since a user can select a desire camera, photography notification data, operation right, can be transmit to a desire image device.)

With reference to claim 2, Fukasawa '457 discloses one of the plurality of imaging devices transmits the photography notification data (The camera control module 410 also includes a camera-information notification unit 414 for notifying the camera client 600 or the camera linkage control server 500 of the states (the orientation and the like) of the camera, and the status of acquisition of an operation right, column 5, line 40. Since one camera can be selected from a plurality of cameras, one camera can transmit photographic information data, operation right.)

With reference to claim 3, Fukasawa '457 discloses the photography notification data is transmitted based on the photography operation of the one imaging device (By selecting a desired image window using a mouse or the like, the user of the camera client selects a target scene, i.e., a target camera, column 4, line 38. Since only one camera is selected, photography notification data, operation right, is based on photography operation of the one image device.)

With reference to claim 4, subject matter disclosed in claim 4 has been previously discussed in claim 1.

With reference to claim 5, subject matter disclosed in claim 5 has been previously discussed in claim 2.

With reference to claim 6, subject matter disclosed in claim 6 has been previously discussed in claim 3.

With reference to claim 7, subject matter disclosed in claim 7 has been previously discussed in claim 1. Fukasawa '457 further discloses an apparatus with a storage medium storing program codes of software for realizing the functions of the above-described embodiments, and reading and executing the program codes stored in the storage medium by means of a computer, a CPU or an MPU (microprocessor unit) of the system or the apparatus, column 20, line 23.

With reference to claim 8, subject matter disclosed in claim 8 has been previously discussed in claim 2.

With reference to claim 9, subject matter disclosed in claim 9 has been previously discussed in claim 3.

With reference to claim 10, Fukasawa '457 discloses a plurality of imaging devices are associated via a network to be operated and each of the plurality of imaging devices photographs to acquire image data by one photography operation (computer network 301 to which the camera control modules 410a, 410b and 410c are connected, column 4, line 13, Fig. 2. Since cameras are connected to one computer network, one photography operation is possible to acquire image data), wherein the plurality of image data acquired by the plurality of imaging devices are collectively managed (The user interface shown in FIG. 3 has windows for displaying images 602-613 from a plurality of cameras on an image window 601, column 4, line 36. Which is image data collectively managed.)

With reference to claim 13, Fukasawa '457 discloses one of the plurality of imaging devices manages the plurality of image data (By selecting a desired image window using a mouse or the like, the user of the camera client selects a target scene, i.e., a target camera, column 4, line 38. Only one imaging device is selected out of plurality of imaging device and one imaging device can generate and mange plurality of image data.)

With reference to claim 14, subject matter disclosed in claim 14 has been previously discussed in claim 10.

With reference to claim 17, subject matter disclosed in claim 17 has been previously discussed in claim 13.

With reference to claim 18, subject matter disclosed in claim 18 has been previously discussed in claim 10. Fukasawa '457 further discloses an apparatus with a storage medium storing program codes of software for realizing the functions of the above-described embodiments, and reading and executing the program codes stored in the storage medium by means of a computer, a CPU or an MPU (microprocessor unit) of the system or the apparatus, column 20, line 23.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim(s) 11-12, 15-16, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa US6909457 in view of Sibyama et al US 20020154213.

With reference to claim 11, Fukasawa '457 discloses method for controlling image devices as explained above. But Fukasawa '457 does not disclose a different file name is attached to each of the plurality of image data acquired by the plurality of imaging devices to collectively store the plurality of image data.

Sibyama '213 discloses a different file name is added to each piece of the image data and the position-time data with respect to each of the image collecting devices 91-1 to 91-n, and the data is then stored, page 16, paragraph 0220. An image data file can be easily retrieve if store with file name.

Therefore, it would have been obvious to one skill in the art at the time of invention to implement Sibyama '213 teaching into Fukasawa '457 system as to obtain a different file name is attached to each of the plurality of image data acquired by the plurality of imaging devices to collectively store the plurality of image data because an image data file can be easily retrieve if store with file name.

With reference to claim 12, Fukasawa '457 discloses method for controlling image devices as explained above. But Fukasawa '457 does not disclose the plurality of image data are managed based on photography status information indicating a status of when the plurality of image data are photographed.

Sibyama '213 discloses a different file name is added to each piece of the image data and the position-time data with respect to each of the image collecting devices 91-1 to 91-n, and the

data is then stored, page 16, paragraph 0220. Time data is photography status information. An image file can be retrieve quicker if stored and managed with time data.

Therefore, it would have been obvious to one skill in the art at the time of invention to implement Sibyama '213 teaching into Fukasawa '457 system as to obtain the plurality of image data managed based on photography status information indicating a status of when the plurality of image data are photographed because an image file can be retrieve quicker if stored and managed with time data.

With reference to claim 15, subject matter disclosed in claim 15 has been previously discussed in claim 11.

With reference to claim 16, subject matter disclosed in claim 16 has been previously discussed in claim 12.

With reference to claim 19, subject matter disclosed in claim 19 has been previously discussed in claim 11.

With reference to claim 20, subject matter disclosed in claim 20 has been previously discussed in claim 12.

Claim(s) 34,36-37,39-40,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa US6909457 in view of Nomura US20020110370.

With reference to claim 34, Fukasawa '457 discloses a method for controlling an imaging device, in which a plurality of imaging devices are associated via a network to be operated to acquire image data (computer network 301 to which the camera control modules 410a, 410b and 410c are connected, column 4, line 13, Fig. 2). But Fukasawa '457 does not disclose accepting storage destination settings of the image data acquired in each of the plurality of imaging devices; and storing the image data acquired by each of the plurality of imaging devices in the set storage destination.

Nomura '370 discloses an "OK" button 47 is depressed in order to settle any setting for the storage destination setting window 41, column 47, Fig.4 and Fig. 5. Since setting change, system accepts this new storage destination setting. Plurality of image data will be store in set storage destination, for example in a folder. Storage destination setting will allow a user to store image data in storage medium of his choice.

Therefore, it would have been obvious to one skill in the art at the time of invention to implement Noumar '370 teaching into Fukasawa '457 system as to obtain accepting storage destination settings of the image data acquired in each of the plurality of imaging devices; and storing the image data acquired by each of the plurality of imaging devices in the set storage destination because storage destination setting will allow a user to store image data in storage medium of his choice.

With reference to claim 36, Fukasawa '457 discloses a method for controlling an imaging device, as explained above. But Fukasawa '457 does not disclose a change in the storage destination is accepted when the image data cannot be stored in the set storage destination.

Nomura '370 discloses an "OK" button 47 is depressed in order to settle any setting for the storage destination setting window 41, column 47, Fig.4 and Fig. 5. For example, if flash drive left with no memory, a user many change the setting to main memory of computer server. It will give more options to a user to store data.

Therefore, it would have been obvious to one skill in the art at the time of invention to implement Noumar '370 teaching into Fukasawa '457 system as to obtain a change in the storage destination is accepted when the image data cannot be stored in the set storage destination because it will give more options to a user to store data.

With reference to claim 37, subject matter disclosed in claim 37 has been previously discussed in claim 34.

With reference to claim 39, subject matter disclosed in claim 39 has been previously discussed in claim 36.

With reference to claim 40, subject matter disclosed in claim 40 has been previously discussed in claim 34. Fukasawa '457 further discloses an apparatus with a storage medium storing program codes of software for realizing the functions of the above-described embodiments, and reading and executing the program codes stored in the storage medium by

means of a computer, a CPU or an MPU (microprocessor unit) of the system or the apparatus, column 20, line 23.

With reference to claim 42, subject matter disclosed in claim 42 has been previously discussed in claim 36.

Claim(s) 35, 38, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa US6909457 in view of Nomura US20020110370 in further view of Kuno US6567121.

With reference to claim 34, Fukasawa '457 in view of Nomura '370 discloses a controlling image device. But Fukasawa '457 in view of Nomura '370 does not disclose one of the plurality of imaging devices is included as the storage destination.

Kuno '121 discloses a camera connected to an external storage device such as hard disk device, column 3, line 15, Fig. 1. One of the camera in Fakasawa '457 in view of Nomura '370 system can be replace by a camera with external storage device. This external storage device, (e.g. a flash drive or like), can be designated as one of storage destination. Data can be transfer easily with an external storage device such as flash drive.

Therefore, it would have been obvious to one skill in the art at the time of invention to implement Kanu '121 teaching into Fakasawa '457 in view of Nomura '370 system as to obtain one of the plurality of imaging devices is included as the storage destination because data can be transfer easily with an external storage device such as flash drive.

With reference to claim 38, subject matter disclosed in claim 38 has been previously discussed in claim 35.

With reference to claim 41, subject matter disclosed in claim 41 has been previously discussed in claim 35.

Claim(s) 57 –63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa US6909457 in view of Yoshida et al US6288792 in further view of Englander US5455625.

With reference to claim 57, Fukasawa '457 discloses a method for controlling an imaging device with plurality of image device (Camera control system, column 2, line 13, Fig. 2). But Fukasawa '457 does not disclose a plurality of imaging devices, which comprises clocks and attaching photography date/time data to image data acquired by photographing and times indicated by the clocks of all the imaging devices are synchronized with a predetermined time.

Yoshida '792 discloses in the digital cameras, there is additional data attached to image data. Typical additional data relates to the date and time at which an image indicated by image data is photographed (date/time data: this will often be referred to as "date"). The date/time data is output as data indicative of the date and time of photographing by a clock mechanism incorporated in the cameras, column 1, line 36. But Yoshida '792 does not disclose times indicated by the clocks of all the imaging devices are synchronized with a predetermined time.

Englander '625 discloses the timer must be synchronized to the actual time at all times in order to turn-on the video camera at the appropriate time, column 8, line 51. Since all cameras can be linked together, all cameras clock can be synchronized at a predetermined time. There will be no time discrepancy in plurality of image data times if all clocks times are synchronized.

Therefore, it would have been obvious to one of skill in the art at the time of invention to implement Englander '625 teaching in view of Yoshida '792 into Fukasawa '457 system as to obtain a plurality of imaging devices, which comprises clocks and attaching photography date/time data to image data acquired by photographing and times indicated by the clocks of all the imaging devices are synchronized with a predetermined time because there will be no time discrepancy in plurality of image data times if all clocks times are synchronized.

With reference to claim 58, Fukasawa '457 in view of Yoshida '792 discloses a method for controlling an imaging device with plurality of image device (Camera control system, column 2, line 13, Fig. 2). And a specific function can be performed based on a predetermined operation of one of he plurality of imaging devices (By selecting a desired image window using a mouse or the like, the user of the camera client selects a target scene, i.e., a target camera, column 4, line 39. Only one camera is being used and timer for all cameras can be adjusted.) But Fukasawa '457 in view of Yoshida '792 does not disclose the synchronization.

Englander '625 discloses the timer must be synchronized to the actual time at all times in order to turn-on the video camera at the appropriate time, column 8, line 51. There will be no time discrepancy in plurality of image data times if all clocks times are synchronized.

Therefore, it would have been obvious to one of skill in the art at the time of invention to implement Englander '625 teaching in view of Yoshida '792 into Fukasawa '457 system as to obtain synchronization because there will be no time discrepancy in plurality of image data times if all clocks times are synchronized.

With reference to claim 59, subject matter disclosed in claim 59 has been previously discussed in claim 57.

With reference to claim 60, subject matter disclosed in claim 60 has been previously discussed in claim 58.

With reference to claim 61, device according to claim 59 can be provided in each of plurality of imaging device.

With reference to claim 62, subject matter disclosed in claim 62 has been previously discussed in claim 57. Fukasawa '457 further discloses an apparatus with a storage medium storing program codes of software for realizing the functions of the above-described embodiments, and reading and executing the program codes stored in the storage medium by means of a computer, a CPU or an MPU (microprocessor unit) of the system or the apparatus, column 20, line 23.

With reference to claim 63, subject matter disclosed in claim 63 has been previously discussed in claim 58.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mano US6356295 discloses animage transmission system includes a plurality of image transmission devices, which are connected by a network.

Miyamoto et al US 5579066 discloses In a camera which is provided with a clock which operates according to electrical power supplied from a battery, the date and time of photography are imprinted based upon the date and time output from the clock.

Oya et al US6208379 discloses a camera control system is disclosed where the control system selects a camera from a plurality of cameras connected to a network, and displays an image taken by the selected camera and further performs control functions on the selected camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asif Khokhar whose telephone number is (571) 270-3221. The examiner can normally be reached on Monday- Friday 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asif Khokhar

24Oct2007

TUAN HO
PRIMARY EXAMINER

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